

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED
901 BSM
AUG 17 2006
JOHN F. CORCORAN, CLERK
BY: *[Signature]*
DEPUTY CLERK

ALLSTATE INSURANCE COMPANY,)
Plaintiff,)

v.)

J.A.D. COAL COMPANY, INC.,)
THE NEW COAL COMPANY, INC.,)
FEDERAL INSURANCE COMPANY,)
LIBERTY MUTUAL INSURANCE)
COMPANY,)
ACCEPTANCE INDEMNITY)
INSURANCE COMPANY,)
Defendants.)

Civil Action No. 2:05CV00029

ORDER

By: Hon. James C. Turk
Senior United States District Court Judge

ORDER

In accordance with the memorandum opinion entered this day, it is hereby **ORDERED** that 1) the plaintiff's motion for summary judgment is **GRANTED**; and 2) the defendants' motion for summary judgment is **DENIED**, the effect of which is to hold no duty on the part of Allstate to defend or indemnify.

The Clerk is directed to send certified copies of this Order to all counsel of record and to strike the case from the active docket of the Court.

ENTER: This 16th day of August, 2006.

James C. Turk

SENIOR UNITED STATES DISTRICT JUDGE